

**MINUTES OF MEETING
BOARD OF COUNTY COMMISSIONERS
ST. JOHNS COUNTY, FLORIDA
JUNE 25, 2002
(9:00 A.M.)**

Proceedings of a regular meeting of the Board of County Commissioners of St. Johns County, Florida, began and held in the Auditorium at the County Administration Building, #4020 Lewis Speedway (County Road 16-A) and U.S. 1 North, St. Augustine, Florida.

Present were: James E. Bryant, District 5, Chair
Nicholas Meiszer, District 1, Vice Chair
John Reardon, District 2
Marc Jacalone, District 3
Mary Kohnke, District 4
Ben W. Adams, Jr., County Administrator
Michael Hunt, Assistant County Attorney
Lenora Newsome, Deputy Clerk

Also present were: Cheryl Strickland, Clerk of Courts; and Allen MacDonald, County Finance Director.

(06/25/02 - 1 - 9:07 a.m.)

Chair Bryant called the meeting to order.

(06/25/02 - 1 - 9:07 a.m.)

Rev. David Rice, Ancient City Baptist Church, gave the Invocation. Kohnke led the Pledge of Allegiance.

(06/25/02 - 1 - 9:08 a.m.)

ROLL CALL

Bryant announced that all commissioners were present.

(06/25/02 - 1 - 9:08 a.m.)

PUBLIC COMMENTS

Don Beattie, 808 Mill Pond Court, clarified that the petitions that were submitted at the public hearing regarding Aberdeen and Durbin Crossing DRI transmittals, were in opposition to the DRIs being transmitted. Beattie then addressed the need issue regarding Aberdeen and Durbin Crossing DRI. (9:14 a.m.) Donna Miller, Tools for School, requested donations of basic school supplies. Miller said the supplies are being collected at various locations around the County. (9:21 a.m.) Emanuel Golden, 5428 Shore Drive, St. Augustine, through a deaf interpreter, informed the Board of his unsuccessful attempts in obtaining interpreters for assistance in running for County Commissioner and how he has been discriminated against since he has been handicapped. Discussion followed on laws on providing services for the handicapped. (9:32 a.m.) Vicky Oakes, Supervisor of Elections Office, informed the Board of their research on this issue. (9:37 a.m.) William Jepson, 6336 Costanero Road, St. Augustine, requested the Board establish bike routes in St. Johns County. (9:43 a.m.) Leo O'Farrell, 85 Catalina Circle, spoke on the ground breaking of the Southeast Branch Library. (9:44 a.m.) Tom Manuel, 505 Becker Branch Place, Jacksonville, offered to serve on the steering committee, if it is formed, to address the need issue regarding the Aberdeen and Durbin Crossing DRI issue. (9:47 a.m.) Carl Parker, 677 Box Branch Circle,

commented in favor of the project. (9:49 a.m.) Vivian Browning, 40 Beachcomber Way, Vilano Beach, distributed and addressed a copy of the North Coastal Corridor Overlay Design Guidelines. (9:56 a.m.) Dante Salamone, 5225 Datil Pepper Road, St. Augustine, commented on Old Moultrie Road being removed from the Capital Outlay Program. Salamone further commented on Old Moultrie Road and the use of the County's logo. (10:03 a.m.) Ellen Whitmer, 1178 Natures Hammock Road South, Fruit Cove, requested the Board withdraw the transmittal of the comp land plan amendments for Durbin Crossing and Aberdeen DRI. (10:06 a.m.) Cyndi Stevenson, 148 Cattail Circle, Jacksonville, commented in opposition to the transmittal of the Aberdeen and Durbin Crossing DRI. (10:11 a.m.) Jeanne Goldman, 160 Cattail Circle, Jacksonville, commented in favor of the transmittal of the Aberdeen and Durbin Crossing DRI. (10:15 a.m.) Stephanie Maxey, 161 Cattail Circle, Jacksonville, commented in favor of the transmittal of the Aberdeen and Durbin Crossing DRI. (10:18 a.m.) Louise Thrower, 288 Orange Avenue, made several recommendations to the Board regarding written materials submitted to them. Thrower then addressed some articles in several newspaper publications. (10:26 a.m.) Charlie Hotchkin, 190 Nix Boatyard Road, St. Augustine, commented on a meeting he attended of the St. Augustine South Civic Association. (10:33 a.m.) Joe Stephenson, Public Works Director, informed the Board that Staff was at that meeting to inform the public of the projects going on in their area.

(06/25/02 - 2 - 10:39 a.m.)

DELETIONS TO CONSENT AGENDA

There were no deletions to the Consent Agenda.

(06/25/02 - 2 - 10:40 a.m.)

APPROVAL OF CONSENT AGENDA

Motion by Jacalone, seconded by Kohnke, carried 5/0, to approve the Consent Agenda, as follows:

1. Approval of the Cash Requirement Report
2. Approval of Minutes:
05/28/02 - BCC Regular Meeting
3. Sheriff's Bonds:
Approve: Charles F. LeGall
Approve: Thomas L. Pablo
Approve: Sylvia S. Acosta
Approve: Alexis R. Boryszewski
Approve: Preston R. Bowes
Approve: Charles O. Brantley
Approve: Thomas E. Delcomyn
Approve: Linda N. Haney
Approve: Peter P. Leone III
Approve: Frederic Liegois
Approve: Patsy T. Tansey
Name Change: Jennifer K. Timmerman to Jennifer K. Wilfong
4. Motion to authorize the County Administrator to enter into a contract with Florida Groundworks, Inc. for Bid No. 02-98, to construct expansion of the NE Annex Parking Lot (*See Exhibit "A"*)

5. Motion to authorize the sale of County held tax certificates of 1999 on parcels, which are assessed at \$5,000.00 or more, and to authorize the expenditure of \$13,140.00 from the general fund reserves to pay for the cost of the sale
6. Motion to adopt **Resolution No. 2002-114** accepting a Quit Claim Deed from St. Johns River Community College to St. Johns County conveying the right-of-way required for the Holmes Boulevard Extension

RESOLUTION NO. 2002-114

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING A QUIT CLAIM DEED FROM ST. JOHNS RIVER COMMUNITY COLLEGE TO ST. JOHNS COUNTY CONVEYING THE RIGHT-OF-WAY REQUIRED FOR THE HOLMES BOULEVARD EXTENSION

7. Motion to adopt **Resolution No. 2002-115** accepting the Special Warranty Deed from St. Joe Residential Acquisitions, Inc. to St. Johns County for required Right-of-Way for County Road 210 West

RESOLUTION NO. 2002-115

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, ACCEPTING A SPECIAL WARRANTY DEED FROM ST. JOE RESIDENTIAL ACQUISITIONS, INC. TO ST. JOHNS COUNTY IN ACCORDANCE WITH THE ST. JOE DEVELOPMENT AND IMPACT FEE AGREEMENT

8. Motion to adopt **Resolution No. 2002-116** granting an irrevocable License to Florida Power & Light Company to install underground utility line to the St. Johns County Fairgrounds

RESOLUTION NO. 2002-116

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, GRANTING AN IRREVOCABLE LICENSE TO FLORIDA POWER & LIGHT COMPANY TO INSTALL A UNDERGROUND UTILITY LINE TO THE ST. JOHNS COUNTY FAIRGROUNDS

9. Motion to approve the unanticipated SHIP revenue and to authorize its expenditure by St. Johns County; adopting **Resolution No. 2002-117**

RESOLUTION NO. 2002-117

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING FISCAL YEAR 2001/2002 STATE HOUSING INITIATIVES PARTNERSHIP (SHIP) BUDGET TO RECEIVE UNANTICIPATED REVENUE AND AUTHORIZE ITS EXPENDITURE BY ST. JOHNS COUNTY

10. Motion to adopt **Resolution No. 2002-118** recognizing as unanticipated revenue \$7,528.00 in donations and appropriating the funds for use by the St. Johns County Library (Department 0078)

RESOLUTION NO. 2002-118

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING THE FISCAL YEAR 2002 GENERAL FUND REVENUE BUDGET TO RECEIVE UNANTICIPATED REVENUE FROM DONATIONS AND AUTHORIZE ITS EXPENDITURE BY THE ST. JOHNS COUNTY LIBRARY

11. Motion to adopt **Resolution No. 2002-119** amending and restarting in its entirety Resolution 2001-240 adopted on December 18, 2001; approving the issuance by the HFA of St. Johns County, FL of its Multifamily Housing Revenue Bonds (Whispering Woods Apartments Project), Series 2002, in an aggregate principal amount not exceeding \$13,000,000, for the purpose of financing all or a portion of the cost of the acquisition, construction and installation of an approximately 200-Unit multifamily housing development

RESOLUTION NO. 2002-119

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AMENDING AND RESTATING IN ITS ENTIRETY RESOLUTION NO. 2001-240 ADOPTED ON DECEMBER 18, 2001; APPROVING THE ISSUANCE BY THE HOUSING FINANCE AUTHORITY OF ST. JOHNS COUNTY, FLORIDA, OF ITS MULTIFAMILY HOUSING REVENUE BONDS (WHISPERING WOODS APARTMENTS PROJECT), SERIES 2002, IN AN AGGREGATE PRINCIPAL AMOUNT NOT EXCEEDING \$13,000,000 FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COST OF THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF AN APPROXIMATELY 200-UNIT MULTIFAMILY HOUSING DEVELOPMENT TO BE LOCATED IN ST. JOHNS COUNTY, FLORIDA, TO BE OWNED AND OPERATED BY TWC EIGHTY-NINE, LTD., A FLORIDA LIMITED PARTNERSHIP, OR ONE OF ITS AFFILIATES; ALL PURSUANT TO CHAPTER 159, PART IV, FLORIDA STATUTES, AS AMENDED

12. Motion to allow the County Administrator, or his designee, to enter into a contract under Bid No. 02-88, Vilano Beach Town Center Pier Pavilion Construction, with BA Wilson Construction, Inc. in the amount of \$204,420.00 (*See Exhibit "B"*)
13. Motion to adopt **Resolution No. 2002-120** to set a Public Hearing for 1:30 p.m. on July 16, 2002 to consider a petition to vacate a portion of Pine Island Road

RESOLUTION NO. 2002-120

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF

**FLORIDA, SETTING A PUBLIC HEARING FOR 1:30 P.M.
ON JULY 16, 2002 TO CONSIDER A PETITION TO
VACATE A PORTION OF PINE ISLAND ROAD**

14. Motion to accept the applications and award a non-exclusive Franchise to the listed qualified firms for the Collection, Transportation and Disposal of Construction and Demolition Debris in the unincorporated portion of St. Johns County

15. Motion to allow the County Administrator to execute a year's execution to the current St. Johns County SHIP Rehabilitation contract with the St. Johns Housing Partnership, Inc.

16. Proofs:
 - a. Proof, Notice of Public Hearing, Transfer/Merger AT&T Broadband to AT&T Comcast Corp, June 11, 2002
 - b. Proof, Notice of Public Hearing, Establishment of Ordinance/Regulations affecting the Use of Land, June 11 & 25, 2002
 - c. Proof, Notice of Meeting, St. Johns County Economic Development Committee, June 13, 2002
 - d. Proof, Notice of Cancellation of Meetings, St. Johns County Board of County Commissioners, July 2, August 20 & 27, 2002
 - e. Proof, Notice of Public Meeting, West Augustine Community Redevelopment Agency, June 11, 2002
 - f. Proof, Notice of Public Disclosure, SJC Full Cost Accounting Solid Waste Management Service
 - g. Proof, Notice of Public Hearing, Administrative Budget Hearings, May 6, 8, 9, 13, 15, 16, 20, 22, 23, 2002
 - h. Proof, Notice to Bidders, Bid No. 02-88
 - i. Proof, Notice to Bidders, Bid No. 02-89
 - j. Proof, Notice to Bidders, Bid No. 02-93
 - k. Proof, Notice to Bidders, Bid No. 02-98
 - l. Proof, Notice to Bidders, Bid No. 02-101
 - m. Proof, Notice to Bidders, Re-bid No. 02-102
 - n. Proof, Certificate of Liability Insurance, Ann's Site Clearing
 - o. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC
 - p. Proof, Certificate of Liability Insurance, Star Environmental Services, LLC
 - q. Proof, Certificate of Liability Insurance, Staff Masters and S.O.I.
 - r. Proof, Certificate of Liability Insurance, Phillips Roll Off Containers
 - s. Proof, Certificate of Liability Insurance, Waste Watchers of Jacksonville
 - t. Proof, Certificate of Liability Insurance, Allied Waste Industries
 - u. Proof, Certificate of Liability Insurance, United Staffing of America, LTD
 - v. Proof, Certificate of Liability Insurance, American Disposal, LLC
 - w. Proof, Certificate of Liability Insurance, Waste Watchers of Jacksonville
 - x. Proof, Certificate of Liability Insurance, All Waste, Inc.
 - y. Proof, Certificate of Liability Insurance, All Waste, Inc.
 - z. Proof, Certificate of Insurance, Waste Management Inc. of Florida
 - aa. Proof, Certificate of Liability Insurance, Waste Pro of Florida
 - bb. Proof, Certificate of Liability Insurance, Aloha Staff Group, Inc.
 - cc. Proof, Certificate of Liability Insurance, Shapell's Inc.
 - dd. Proof, Certificate of Liability Insurance, Seaboard Waste Systems, Inc.
 - ee. Proof, Certificate of Liability Insurance, Herrington Industries, Inc.
 - ff. Proof, Certificate of Liability Insurance, Gateway Disposal Services, LLC
 - gg. Proof, Certificate of Liability Insurance, Florida Recycling Services, Inc.
 - hh. Proof, Certificate of Liability Insurance, Econowaste, Inc.

- ii. Proof, Certificate of Liability Insurance, Econowaste Inc. & Econosweep Inc.
- jj. Proof, Certificate of Liability Insurance, City Sanitation, LLC
- kk. Proof, Certificate of Liability Insurance, LAS Contracting Corp
- ll. Proof, Certificate of Liability Insurance, Basic Chemical Solutions, LLC

(06/25/02 - 6 - 10:40 a.m.)

ADDITIONS/DELETIONS TO REGULAR AGENDA

Bryant requested to move Item #6 to Item #1, and renumber the agenda items. Adams relayed a request from the applicant for Item #12 to be removed from agenda and be rescheduled.

(06/25/02 - 6 - 10:41 a.m.)

APPROVAL OF REGULAR AGENDA

Motion by Reardon, seconded by Jacalone, carried 5/0, to approve the Regular Agenda, as amended.

The meeting recessed at 10:41 a.m. and reconvened at 10:48 a.m.

Deputy County Attorney Daniel Bosanko entered the meeting, and Assistant County Attorney Michael Hunt left the meeting.

(06/25/02 - 6 - 11:43 a.m.)

1. CONSIDER A REQUEST FOR FREE USE OF THE ST. JOHNS COUNTY CONVENTION CENTER TO FORT MOSE C.S.O. TO CONDUCT THEIR ANNUAL MEETING ON OCTOBER 11, 2002

Dena Masters, Office Manager, Tourist Development Council, relayed the request of the Fort Mose Citizens Support Organization to use the convention center on October 11, 2002 to hold their annual meeting. (11:43 a.m.) **Motion by Reardon, seconded by Jacalone, carried 5/0, to grant free use of the St. Johns County Convention Center to Fort Mose CSO to hold their Annual Meeting on Friday, October 11, 2002.**

2. PRESENTATION BY EMERGENCY MANAGEMENT

This item was addressed in the afternoon session of the meeting.

(06/25/02 - 6 - 11:44 a.m.)

3. PRESENTATION ON THE SOUTHEAST COMMUNITY 2020 VISION DOCUMENT

Leo O'Farrell, 85 Catalina Circle, Chairman of the Southeast Community 2020 Vision, made a presentation of the vision document. (11:47 a.m.) Roger Van Ghent, 4005 Moultrie Foreside Blvd, St. Augustine, made a power point presentation of the details of the Southeast Community 2020 Vision.

(12:00 p.m.) Jacalone left the meeting.

(12:14 p.m.) John Grexa, 548 Domenico Circle, thanked all involved parties for their input in the Southeast Community 2020 Vision Project. (12:16 a.m.) Dante Salamone, commented in support of a service road along I-95 and swimming pools being built at each of the area high schools.

(06/25/02 - 7 - 10:48 a.m.)

6. CONSIDER A ROAD BONDING ISSUE FOR MR. JAMES COSTEIRA

Darrell Locklear, Development Review Engineering Manager, explained that Section 6.04.08 of the Land Development Code requires that land developers who build roads provide bonds separately ensuring their construction and maintenance if they will be dedicated to the County. Damage has occurred to the roads in Cypress Point II, Phase II, which was developed by Mr. James Costeira. The damage occurred after the construction bond was released, but during the period in which the maintenance bond was in effect. The damage consisted primarily of broken and cracked asphalt, silted in drainage structures, and swales and road shoulders which need regarding. These are typical defects of home building activities and have historically been required to be corrected prior to the release of the maintenance bond. Mr. Costeira claims that the cause of this damage should not trigger the calling of the maintenance bond, which he has provided for this project because this bond is limited to damage caused by faulty workmanship, construction, or materials. County Staff has counter argued that as a matter of previous interpretation, all damages to such roads during the maintenance period are the responsibility of the developer or the bonding agency. It can also be argued that the developer had the opportunity and ability to prevent the actions to cause the damage described here during the maintenance period by requiring builders to alter their construction techniques to prevent or reduce the damage. Locklear requested the Board make a decision pursuant to Section 9.07.02 of the Land Development Code, and appeal of a staff determination. While this issue was pending for greater than 30 days, since Mr. Costeira received written notice of the problem, Commissioner Jacalone has asked that Staff and Mr. Costeira bring it before the Board. The 30-day time limit may be waived by the Board. Discussion followed on construction bonds being released, acceptance of maintenance bonds, when deficiencies were found, the cost for bringing the roads back up to County standards, causes of the road damage, and calling of the bonds. (11:09 a.m.) Motion by Meiszer that the request be denied. Motion died for lack of second. (11:09 a.m.) Geoff Dobson, Attorney representing Mr. Costeira, addressed the damage to the roads. (11:36 a.m.) Dante Salamone, 5225 Datil Pepper Road, spoke on correcting this problem. (11:39 a.m.) **Motion by Reardon, seconded by Jacalone, carried 4/1 with Meiszer dissenting, to waive the 30-day time limit for appeals pursuant to Section 9.07.02 of the LDC. (11:40 a.m.) Motion by Jacalone, seconded by Reardon, carried 4/1 with Meiszer dissenting, to allow Mr. Costeira to repair the areas within the roadways of Cypress Point II subdivision and that those repairs require less than full overlay; that they be limited to the damaged areas; and that the damaged areas be brought to standard as inspected by the County Engineering Department; and the amount not to exceed the amount of the bond.**

Deputy County Attorney Daniel Bosanko left the meeting and Assistant County Attorney Michael Hunt entered the meeting.

(12:17 p.m.) **Motion by Kohnke, seconded by Bryant, carried 4/0 with Jacalone absent, to consider the remaining morning agenda items during the afternoon session of the meeting.**

The meeting recessed at 12:17 p.m. and reconvened at 1:30 p.m. with Bryant, Meiszer, Kohnke, Reardon, Hunt, Adams, Clerk of Courts Cheryl Strickland, Finance Director Allen MacDonald, and Deputy Clerk Judy Hamilton in attendance. Commissioner Jacalone was on excused absence.

Bryant stated Item #12 had been pulled from the agenda; Item #13 was first discussed.

(06/25/02 - 7 - 1:43 p.m.)

3. PRESENTATION BY EMERGENCY MANAGEMENT (*Originally numbered #2*)

Ray Ashton, Emergency Management Director, gave an update on emergency management within St. Johns County to the Board, utilizing a PowerPoint presentation. Discussion was held on shelters, special needs shelters, safe rooms, Presidential commendations, Firestorm '98, Hurricane Floyd, Tropical Storm Gabrielle, web sites, notifications, warnings, evacuation, "blast fax," domestic terrorism, G-TV, schools, preparedness, and other aspects of emergency management. (2:07 p.m.) Assistant County Attorney Hunt left the meeting and Deputy County Attorney Bosanko entered the meeting. (2:10 p.m.) Dante Salamone, 5225 Datil Pepper Road, spoke on his concerns for emergency situations and special needs.

(The next item discussed was Item #5.)

(06/25/02 - 8 - 2:17 p.m.)

5. CONSIDER THE RECOMMENDATION OF THE FINANCE COMMITTEE TO BEGIN CONTRACT NEGOTIATIONS FOR THE COUNTY'S BANKING SERVICES WITH FIRST UNION NATIONAL BANK *(Originally numbered #4)*

Allen MacDonald, Finance Director, made a presentation to the Board, utilizing visual display, on a review of the RFP process, which was conducted by the Finance Committee, and making a recommendation to the Board, on behalf of the Finance Committee, to move forward on banking services. Discussion was held on the Finance Committee's recommendation. (2:23 p.m.) **Motion by Meiszer, seconded by Bryant, carried 4/0 with Jacalone absent, to authorize the Committee to begin contract negotiations with First Union National Bank/Wachovia for banking services.**

(The next item discussed was Item #14.)

(06/25/02 - 8 - 3:07 p.m.)

6. CONSIDER THE WAIVER OF A FILING FEE APPLICATION FOR SPECIAL USE PERMIT FOR THE ST. JOHNS COUNTY EQUESTRIAN COMPLEX *(Originally numbered #5)*

Rosemary Yeoman, Zoning Manager, presented this item to the Board for their consideration. Brief discussion was held. **Motion by Reardon, seconded by Meiszer, carried 4/0 with Jacalone absent, to approve waiver of filing fee for special use permit, finding the waiver is in the best interest of the County and it will serve a public purpose.**

(06/25/02 - 8 - 3:11 p.m.)

7. CONSIDER A CHANGE ORDER TO THE NORTHWEST ANNEX PROJECT

Mike Rubin, Construction Services Director, made a presentation of this item to the Board for their consideration. Brief discussion ensued. **Motion by Reardon, seconded by Kohnke, carried 4/0 with Jacalone absent, to transfer \$37,309 from 0083-59920 (General Fund Reserve) to 3316-56200 NW Annex. Motion by Reardon, seconded by Kohnke, carried 4/0 with Jacalone absent, to transfer \$10,000 from 3316-59923 Contingency to 3316-56200 Building. Motion by Reardon, seconded by Kohnke, carried 4/0 with Jacalone absent, to approve Change Order #03 in the amount of \$58,507.20 to Military Construction Corporation.**

(06/25/02 - 8 - 3:20 p.m.)

8. CONSIDER A PROPOSED SETTLEMENT AGREEMENT BETWEEN ST. JOHNS COUNTY AND THE HANDEX CORPORATION FOR WORK ON CLOSURE OF THE COUNTY'S TILLMAN RIDGE LANDFILL SITE

Mike Rubin, Construction Services Director, addressed the Board, advising them of this issue. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Jacalone absent, to authorize the County Administrator to execute the Settlement Agreement with the Handex Corporation and to transfer \$26,000 from Line 40759920 Solid Waste Reserve to 400611, for \$214,050 payment.**

(06/25/02 - 9 - 3:27 p.m.)

9. **CONSIDER AN IMPACT CREDIT AGREEMENT FOR ROAD IMPACT FEES FOR WHITELOCK FARMS GENERAL PARTNERSHIP**

Nicole Clayton, Planner II, made a presentation of this item to the Board, stating the applicant had to leave. **Motion by Reardon, seconded by Kohnke, carried 4/0 with Jacalone absent, to adopt Resolution No. 2002-121, authorizing the County Administrator to execute the Road Impact Fee Credit Agreement with Whitelock Farms General Partnership, in the amount of \$17,416.20.**

RESOLUTION NO. 2002-121

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO EXECUTE AN IMPACT FEE CREDIT AGREEMENT WITH WHITELOCK FARMS GENERAL PARTNERSHIP WHITELOCK FARMS GENERAL PARTNERSHIP

(06/25/02 - 9 - 3:33 p.m.)

10. **CONSIDER AN FDOT ENHANCEMENT GRANT FOR REGIONAL SIGNIFICANT PROJECTS**

Vicki Renna, Principal Planner, presented this item to the Board for its consideration. Discussion followed. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Jacalone absent, to have the BCC prepare Support Letters for FDOT Enhancement Grant and direct the County Administrator to execute the FDOT Enhancement Grant.**

Discussion was held on buildout on barrier islands, designations, and a clarification letter.

(06/25/02 - 9 - 3:50 p.m.)

11. **CONSIDER A RESOLUTION AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE ST. JOHNS COUNTY COUNCIL ON AGING, INC., AND SIGN A SUPPLEMENTAL PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**

Daniel Bosanko, Deputy County Attorney, presented this item to the Board for their consideration. Discussion was held and questions answered by Cathy Brown, Executive Director of COA. **Motion by Reardon, seconded by Kohnke, carried 4/0 with Jacalone absent, to adopt Resolution No. 2002-122, authorizing the County Administrator to enter into a supplemental agreement with the St. Johns County Council on Aging, Inc., and sign a Supplemental Public Transportation Joint Participation Agreement with the State of Florida Department of Transportation.**

RESOLUTION NO. 2002-122

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, STATE OF FLORIDA, AUTHORIZING THE COUNTY ADMINISTRATOR TO ENTER INTO A SUPPLEMENTAL AGREEMENT WITH THE ST. JOHNS COUNTY COUNCIL ON AGING, INC., AND SIGN A SUPPLEMENTAL PUBLIC TRANSPORTATION JOINT PARTICIPATION AGREEMENT WITH THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION

(06/25/02 - 10 - 3:50 p.m.)

12. PUBLIC HEARING - VAC ROA 01-002 - VACATING A PORTION OF OCEAN SHORE BLVD./OLD A1A ROAD. THIS IS A REQUEST TO VACATE A PORTION OF OLD A1A AT THE SOUTHWEST CORNER OF THE INTERSECTION WITH GENE JOHNSON ROAD (SEE ATTACHED DRAWING). THE REQUEST CONSISTS OF AN APPROXIMATELY 50' WIDE STRIP IN FRONT OF THE APPLICANT'S LOT, RESULTING IN THE APPLICANT OBTAINING THE WESTERLY 25' AND THE EASTERLY 25' REVERTING BACK TO THE COUNTY. THE APPLICANT BOUGHT THE PROPERTY IN 1999 WITH THE FRONT WALL OF THE HOUSE ENCROACHING APPROXIMATELY 2.5 INCHES INTO THE RIGHT-OF-WAY (ATTACHED IS AN EXTENSIVE SUMMARY OF THE HISTORY OF THIS PROPERTY PROVIDED BY THE APPLICANT). THE HOUSE IS APPROXIMATELY 35' FROM THE EDGE OF THE ROADWAY PAVEMENT. A RIGHT-OF-WAY PERMIT WAS ISSUED TO ALLOW THE APPLICANT TO INSTALL A 3' LATTICE FENCE 20' FROM HOUSE TO PREVENT VEHICLES FROM PARKING AT HIS FRONT DOOR. THE APPLICANT'S DESIRE A MORE "PERMANENT" MEANS OF CONTROLLING THE 25' OF PROPERTY IN FRONT OF HIS HOUSE AND TO BRING HIS PROPERTY INTO A CONFORMING STATUS. VARIOUS PROCEDURES OTHER THAN A ROAD VACATION (I.E. LICENSE AGREEMENT, CONDITIONAL SALE, RIGHT-OF-WAY PERMIT, ZONING VARIANCE) HAVE BEEN EXPLORED; HOWEVER, THIS IS THE ONLY MEANS THAT A CONSENSUS OF STAFF AND THE APPLICANT COULD REACH THAT WOULD MEET HIS OBJECTIVES. STAFF DOES NOT RECOMMEND APPROVAL OF THE REQUESTED VACATION.

Proof of publication of notice of public hearing in the matter of Petition to Vacate Old State Road A1A was received, having been published in *The St. Augustine Record* on June 7, 2002.

This item was pulled from the agenda.

(06/25/02 - 10 - 1:40 p.m.)

13. PUBLIC HEARING - NZVAR 02-005 BIONDO NON-ZONING VARIANCE. (CONTINUED FROM JUNE 11, 2002) THIS APPLICANT IS REQUESTING A NON-ZONING VARIANCE TO THE PLATTING REQUIREMENTS (SECTION 5.01.01), ACCESS EASEMENT (SECTION 6.02.01.B.3.A) AND ROADWAY DESIGN REQUIREMENTS (SECTION 6.04.07) OF THE LAND DEVELOPMENT CODE. THE APPLICANT DESIRES TO SUBDIVIDE THEIR 3.5-ACRE PARCEL INTO A 1-ACRE AND 2.5-ACRE PARCEL. THE PROPERTY IS LOCATED WITHIN THE JACKSON PARK PLAT AT 394 NORTH BOULEVARD. THE PROPERTY IS CURRENTLY ACCESSED VIA A 50' DIRT EASEMENT OVER THE PORTION OF NORTH BOULEVARD THAT WAS VACATED IN 1964. A TOTAL OF 7 RESIDENTIAL UNITS CURRENTLY USE THIS EASEMENT. THE

APPLICANT'S REQUEST IS TO USE THE EXISTING EASEMENT FOR ACCESS TO THE NEW DIVISION WITHIN THE JACKSON PARK PLAT. SECTION 6.04.07 REQUIRES ACCESS TO BE IMPROVED TO CURRENT STANDARDS (I.E. PAVEMENT) FOR A NEW DIVISION OF PROPERTY ON A PRIVATE DIRT EASEMENT. THE APPLICANT'S REQUEST IS TO USE THE EASEMENT IN AN "AS IS" CONDITION. ALTHOUGH STAFF CANNOT SUPPORT THESE VARIANCE REQUESTS BASED ON THE REQUIREMENTS OF THE LAND DEVELOPMENT CODE, ALL APPLICABLE DEPARTMENTS HAVE REVIEWED THIS REQUEST AND STAFF HAS NO OTHER OBJECTIONS.

Proof of publication of notice of public hearing in the matter of File #NZVAR 02-005, Biondo was received, having been published in *The St. Augustine Record* on June 17, 2005.

Darrell Locklear, Development Review Engineering Manager, stated this item was continued from the June 11, 2002 meeting. He summarized the applicant's request for a non-zoning variance to the platting requirements, the access easement, and the roadway design requirements of the Land Development Code. Bryant stated no foreseeable conclusion had been resolved with the Airport Authority. (1:41 p.m.) **Motion by Kohnke, seconded by Reardon, carried 4/0 with Jacalone absent, to approve NZVAR 2002-005, based upon the evidence provided for all of the five Findings of Fact.**

The next item discussed was Item #3.

(06/25/02 - 11 - 2:35 p.m.)

14. PUBLIC HEARING - ARC APPEAL 2002-03 - TOURNAMENT PLAZA. THIS IS AN APPEAL REQUEST FOR A DECISION BY THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE. THE APPLICANT FIRST APPEARED BEFORE THE PONTE VEDRA/PALM VALLEY COASTAL CORRIDOR OVERLAY DISTRICT ARCHITECTURAL REVIEW COMMITTEE ON APRIL 10, 2002 PROPOSING NEW EXTERIOR BUILDING COLORS TO THE EXISTING TOURNAMENT PLAZA LOCATED AT 832 A1A NORTH. THE SUBMITTAL CONTAINED FOUR BUILDING COLORS: "SAND" COLOR BRICK (EXISTING), "SAND" FOR THE STUCCO BODY, "CREAM" FOR THE TRIM AND "TEAL" FOR THE BUILDING ACCENTS. THE APPLICANT DID RECEIVE AN APPROVAL BY THE ARC WITH THE CONDITION THAT THE ACCENT COLOR "TEAL" WAS ELIMINATED BASED UPON THE SPECIFIC REGULATION OF SECTION 3.06.12.E OF THE LAND DEVELOPMENT CODE WHICH STATES "EXTERIOR COLORS OF PAINTS AND STAINS SHALL BE NATURE-BLENDING WITH NO MORE THAN THREE COLORS PER BUILDING, EXCLUDING ROOF COLOR." THE APPLICANT REAPPEARED BEFORE THE ARC AT THEIR MAY 8, 2002 MEETING TO PETITION THE COMMITTEE TO RECONSIDER THE APPROVED CONDITION CONTENDING THAT THE BRICK WAS PART OF THE BUILDING'S FOUNDATION AND SHOULD NOT COUNT AS A "COLOR." THE ARC UNANIMOUSLY DECLINED THEIR REQUEST AND NOTED THAT THE ORIGINAL ORDER REMAINED IN EFFECT.

Proof of publication on notice of appeal public hearing in the matter of File #ARC Appeal 2002-03, Tournament Plaza, was received, having been published in *The St. Augustine Record* on June 10, 2002.

Danielle Mayoros, Planner II, presented this item to the Board for their consideration. Applicant Peter Sleiman addressed the Board and utilized visual display. (2:41 p.m.)

Deputy County Attorney Bosanko left the meeting; Assistant County Attorney Lopez entered the meeting. Discussion was held on the appeal request and on nature-blending colors and earth tones. Public comments were received. (2:55 p.m.) Howard F. Renforth, 144 Crosstide Circle, Ponte Vedra, spoke in opposition to the applicant's appeal. (2:56 p.m.) Clara Cowan, 244 Patrick Mill Circle, Ponte Vedra Beach, spoke in favor of the ARC decision for denial. Further discussion ensued. **Motion by Kohnke, seconded by Meiszer, carried 4/0 with Jacalone absent, to deny the applicant's request for appeal; he has not proven to the Board of County Commissioners that he did provide the Architectural Review Committee adequate information for a proper review regarding their proposed new exterior building colors, specifically the color of teal, the ARC found him to be in violation of nature-blending color requirements of the LDC, Section 3.06.12.E, thus, denying ARC Appeal 2002-03, known as the Tournament Plaza ARC appeal.**

(The next item discussed was Item #6.)

(06/25/02 - 12 - 3:54 p.m.)

15. SECOND PUBLIC HEARING - AMENDMENTS TO ARTICLE II OF THE LAND DEVELOPMENT CODE. THIS IS THE SECOND OF TWO REQUIRED PUBLIC HEARINGS TO CONSIDER AMENDMENTS TO ARTICLE II OF THE LAND DEVELOPMENT CODE. THESE AMENDMENTS PROVIDE FOR VETERINARY OFFICES AND ANIMAL HOSPITALS AS A SPECIAL USE IN OPEN RURAL ZONING DISTRICTS, ALLOW PRIVATE AIRSTRIPS AS A SPECIAL USE IN OPEN RURAL ZONING DISTRICTS, AND INCREASE THE NUMBER OF ALLOWABLE HOUSEHOLD ANIMALS KEPT AS PETS IN RESIDENTIAL ZONING DISTRICTS FROM FOUR (4) TO FIVE (5) WITHOUT REQUIRING A SPECIAL USE PERMIT. THESE AMENDMENTS REPRESENT CHANGES RECOMMENDED BY THE BOARD OF COUNTY COMMISSIONERS AT PREVIOUS WORKSHOPS OR HEARINGS. IN ADDITION, ARTICLE II IS CLARIFIED TO SPECIFICALLY ALLOW EXTERMINATION AND PEST CONTROL SERVICES IN THE LIGHT INDUSTRIAL USE CLASSIFICATION. A STRIKETHROUGH AND UNDERLINE VERSION OF ARTICLE II IS ATTACHED ALONG WITH A CLEAN VERSION INCORPORATING THE RECOMMENDED AMENDMENTS.

Proof of publication of notice of public hearing (display advertisement) in the matter of Ordinance/Regulations affecting the use of land, was received, having been published in *The St. Augustine Record* on June 17, 2002.

Scott Clem, Director of Growth Management Services, addressed the Board, advising them of the strikethrough and underline versions of Article II. Discussion was held on veterinarians having additional employees being written into the next change package. Further discussion ensued. **Motion by Kohnke, seconded by Reardon, carried 4/0 with Jacalone absent, to enact Ordinance No. 2002-37, amending Article II of the Land Development Code.**

ORDINANCE NO. 2002-37

AN ORDINANCE OF ST. JOHNS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF FLORIDA, AMENDING AND SUPPLEMENTING, ADDING AND REPEALING SECTIONS OF ARTICLE II OF THE ST. JOHNS COUNTY LAND DEVELOPMENT CODE AS ADOPTED BY ORDINANCE 99-51, AS PREVIOUSLY AMENDED; THIS ORDINANCE MAKES CHANGES INCLUDING AND RELATING TO:

AMENDING PART 2.02.00 USES ALLOWED WITHIN ZONING DISTRICTS; SPECIFICALLY REVISING SECTION 2.02.01 USE CLASSIFICATIONS AND DEFINITIONS; REVISING SECTION 2.02.03 HOUSING TYPES; REVISING SECTION 2.02.04 ACCESSORY USES; AMENDING PART 2.03.00 SPECIAL USES; SPECIFICALLY REVISING SECTION 2.03.01 ALLOWABLE SPECIAL USES BY ZONING DISTRICTS; REVISING SECTION 2.03.40 AIRCRAFT LANDING FIELD; ADDING SECTION 2.03.41 VETERINARY OFFICES AND ANIMAL HOSPITALS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE

(06/25/02 - 13 - 4:25 p.m.)

16. DISCUSSION OF THE DESIGNATION OF ST. AUGUSTINE URBANIZED AREA

Scott Clem, Director of Growth Management Services, made presentation, with visual display, stating an MPO will need to be formed. Discussion was held on Transportation Improvement Program, alternatives, options, and pros and cons.

(4:49 p.m.) Deputy Clerk Yvonne King entered the meeting; Deputy Clerk Judy Hamilton left the meeting.

(4:48 p.m.) Albert Holmberg, Vice Mayor of the City of St. Augustine Beach, offered some suggestions for the urbanized area. (4:50 p.m.) Art Knight, Planning & Building Director for the City of St. Augustine, commended the Board for moving forward with the MPO.

(06/25/02 - 13 - 4:51 p.m.)

COMMISSIONERS' REPORTS:

Commissioner Meiszer:

No report.

(4:51 p.m.)

Commissioner Reardon:

No report.

(4:51 p.m.)

Commissioner Kohnke:

Kohnke announced that the killdeer eggs have hatched, and the babies have left. A sign will now be posted which says, "Killdeer Crossing" in the dog park.

(4:51 p.m.)

Commissioner Bryant:

Bryant relayed that \$445,000 was realized by the Second Harvest Food Bank, in mandatory savings from the 501(c)(3) companies that patronize them and purchase food from them.

Bryant informed the Board that Betty Goings is the President of Friends of the Mental Health in St. Johns County. They have formed a 501(c)(3), and they also utilize the Second Harvest Food Bank for the Mental Health Department. They are receiving donations from the community. They also received a \$2,000 United Way Venture Capital Grant to help start the corporation.

Bryant announced that only five minutes would be allowed per speaker during the Public Comments portion of the meeting. In some instances only three minutes will be allowed depending on the number of speakers.

(06/25/02 - 14 - 4:53 p.m.)
COUNTY ADMINISTRATOR'S REPORT

Adams addressed backlog of plan reviews in the Building Department. Adams shared that various personnel worked this past weekend to review approximately 124 plans.

(06/25/02 - 14 - 4:57 p.m.)
COUNTY ATTORNEY'S REPORT

Bosanko said he drafted a proposed ordinance amendment to fix the PZA problem.

(06/25/02 - 14 - 4:57 p.m.)
CLERK OF COURT'S REPORT

No report.

Motion by Bryant, seconded by Kohnke, carried 5/0, to adjourn the meeting. There being no further business to come before the Board, the meeting adjourned at 4:57 p.m.

REPORTS:

1. St. Johns Board of County Commissioners Check Register, dated 06/13/02, Check #320481 through #320501, totaling \$38,869.12
2. St. Johns Board of County Commissioners Check Register, dated 06/18/02, Check #320502 through #320837, totaling \$1,063,937.06

Approved _____ July 30, _____, 2002

BOARD OF COUNTY COMMISSIONERS
OF ST. JOHNS COUNTY, FLORIDA

By: James E. Bryant
James E. Bryant, Chair

ATTEST: CHERYL STRICKLAND, CLERK

By: Yvonne King
Deputy Clerk